

Both claims 1 and 6 (and therefore also claims 2-5, 8-11, 13, and 14) require a magnetorheological piston 14. A magnetorheological piston is defined in lines 3-5 of page 4 of the specification as, "a piston which includes a passageway and which is adapted for creating a magnetic field in the passageway". The piston 7 of the various embodiments of the figures of Woessner has a passage 4 but the piston 7 is not adapted for creating a magnetic field in the passageway. This is so because the damper 1 of Woessner is an electrorheological damper having an electrorheological fluid as a control medium in an annular chamber 11 defined between two tubes one of which is a capacitor tube 9 to which an electrical voltage is applied through contact 23 to change the viscosity of the electrorheological fluid. The annular chamber 11 is not a passage 4 of the piston 7. A separate damping medium flows through the passage 4. The piston 7 of Woessner is not a magnetorheological piston as required by applicants' claims.

Claim 6 (and therefore also claims 8-11, 13, and 14) also requires a magnetorheological fluid 30 disposed in an inner tube 12 wherein the magnetorheological piston 14 is disposed within the inner tube 12 and contacts the magnetorheological fluid 30. A magnetorheological fluid is defined in lines 31-32 of page 4 of the specification as, "a fluid which exhibits Bingham plastic behavior in the presence of a magnetic field". The damper 1 of Woessner does not disclose a magnetorheological fluid. The electrorheological fluid of Woessner (which is disposed in annular chamber 11 and sometimes also in a compensating chamber) is not a magnetorheological fluid as required by applicants' claims 6, 8-11, 13, and 14. These claims of applicants also require the magnetorheological fluid to contact the magnetorheological piston. The non-magnetorheological electrorheological fluid of Woessner does not even contact the non-magnetorheological piston 7 of Woessner.

The examiner's rejection of claims 7 and 12 as being "obvious", under 35 U.S.C. 103, is respectively traversed. The examiner rejects these claims as being unpatentable over Woessner in view of Wulff. Claims 7 and 12 depend directly or indirectly from claim 6. Applicants' previous discussion as to the patentability of claim 6 over Woessner is herein incorporated by reference. Wulff discloses a magnetorheological piston 3 which has holes 8a and which is adapted for creating a magnetic field in the holes 8a (see Figures 5 and 5a). The Examiner alleges it would have been obvious to provide the piston of Woessner with the magnetically

energizable passages of Wulff. Applicants respectfully disagree. Woessner already provides real time control of damping by changing the voltage on the capacitor tube which changes the viscosity of the electrorheological fluid in the annular chamber 11 which loads one side of a valve body 13 (which is separate from the piston 7) whose other side is loaded by a separate damping fluid (see, for example, column 3, lines 14-38). There is no suggestion that the magnetically energizable passages and magnetorheological fluid (as required by Applicants' claims 7 and 12 through base claim 6) of Wulff be substituted for the damping medium and the non magnetically energizable passages 4 of the piston 7 of Woessner.

The examiner's rejection of claim 15 as being "obvious", under 35 U.S.C. 103, is respectfully traversed. The examiner rejects this claim as being unpatentable over Woessner in view of Jensen. Claim 15 depends indirectly from claim 6. Applicants previous discussion as to the patentability of claim 6 over Woessner is herein incorporated by reference.

It is clear that the patents cited by the Examiner, taken alone or in combination, do not teach, suggest, or describe the subject matter of Applicants' claimed invention.

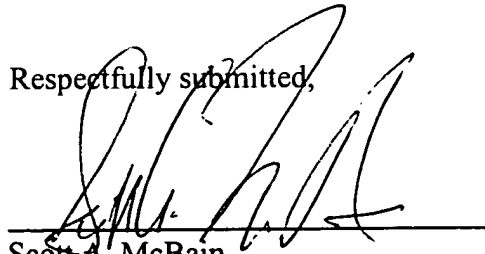
Inasmuch as each of the rejections has been answered by the above remarks, it is respectfully requested that the rejections be withdrawn, and that this application be passed to issue.

Please charge any necessary fees, including any extension of time, or any other fee deficiencies to Delphi Technologies, Inc., Deposit Account No. 50-0831.

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Respectfully submitted,

  
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